

review - 20
Out of town - 100 / year
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Being a by-law of the Town of Emerson to provide for the licencing of transient traders and the like.

WHEREAS Section 713 of the Municipal Act, CCSM Cap. M225 provides that the Council of any municipality may pass by-laws, applicable to the whole municipality or to any portion thereof described in a by-law, for licencing and controlling transient traders, hawkers, peddlars and the like;

AND WHEREAS Council of the Town of Emerson deems it expedient and advisable to enact such a by-law;

NOW THEREFORE be it and it is hereby passed and enacted as a by-law of the Town of Emerson, in Council duly assembled as follows:

1. The expression "transient trader" in this by-law includes any person
 - (a) who carries on within the limits of the Town of Emerson any kind of business to which reference is made in this by-law and
 - (i) who has not resided within the Town for a period of at least three months immediately preceding the time of his beginning to carry on business therein; and
 - (ii) who has not therein an established place of business;
 - (b) who, as a regular and established course of business, supplies or offers to supply, within the limits of the Town of Emerson, services of any kind and who is a person to whom sub-clauses (i) and (ii) of clause (a) apply.
2. No person shall carry on any kind of business referred to in this by-law without first obtaining a licence from the Town and paying the prescribed fee therefore, nor shall any such business for which a licence has been issued be carried on after such licence has lapsed or been cancelled, unless and until a new licence is issued therefore.
3. Licences as provided for in Section 2 of this by-law shall be obtained by:

- (a) all persons
- (i) who sell goods, wares, merchandise or effects of any kind, or offer them for sale by sample cards, specimens, or otherwise for or on account of any retail merchant, manufacturer, or other person who sells directly to the consumer and does not have his or its principal place of business within the limits of the Town of Emerson;
 - (ii) who, whether acting for themselves or as agents for other persons, take orders for any goods or for any finished articles, that have been, or are to be, manufactured, made, or completed in whole or in part outside the limits of the Town of Emerson, by a retail merchant, manufacturer or other person, who does not have his or its principal place of business within the limits of the Town of Emerson; or
 - (iii) who delivers the manufactured, made or completed goods or articles;
- (b) all transient traders and other persons, who hawk, peddle, sell, or offer to sell goods, wares, merchandise or chattels of any kind by auction or in any other manner,
- (i) from any railway car, vehicle, or other conveyance; or
 - (ii) from any tent, booth, stall, stand or vacant lot; on or adjacent to a highway, or at or in any other place within the limits of the Town of Emerson, and whether or not any such auction is conducted by a licenced auctioneer;
- (c) all persons doing business within the limits of the Town of Emerson who occupy premises for temporary purposes, and all other transient traders, whether occupying premises or not, who offer goods, wares, merchandise or effects of any description, for sale by auction or in any other manner, and whether or not any such auction is conducted by a licenced auctioneer;

- (d) all persons who, having no place of business within the limits of the Town of Emerson, are engaged in the business of selling, distributing or installing slot vending machines or self-serve cabinets in dwelling houses, apartment blocks, offices or other similar places;
- (e) all hawkers or petty chapmen, peddlers and other persons carrying on petty trades or selling or delivering goods, or who go from place to place, or from house to house, on foot or with any animal, motorcycle, automobile or any other means of conveyance whatsoever, drawn by animals or driven by any motive power, bearing or drawing any goods, wares or merchandise for sale;

provided that no licence shall be required

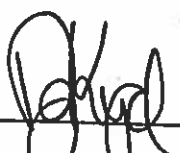
- (f) for hawking, peddling, or selling from any vehicle or other conveyance, any goods, wares or merchandise to any retail dealer, or for hawking or peddling anything, the growth or produce of the Province, if it is being hawked or peddled by the producer thereof or by a member of his immediate family, or by his bona fide servants or employees, having written authority in that behalf;
- (g) by persons soliciting subscriptions or advertising for daily or weekly newspapers, farm publications, trade publications and magazines, published in Canada or books approved by The Public Library Advisory Board appointed under The Libraries Act; but nothing in this paragraph authorizes or entitles any person to solicit any such subscriptions or advertising on any highway, street or lane within the limits of the Town of Emerson, in contravention of Section 5 of this by-law.

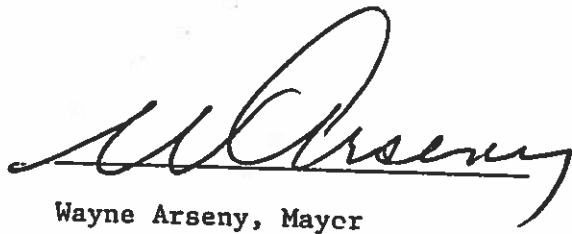
5. No person shall solicit subscriptions or advertising for daily or weekly newspapers, farm publications, trade publications, magazines and periodicals of any kind and whether or not they are published in Canada, on any highway, street or lane within the limits of the Town of Emerson.

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6. All licences required pursuant to this by-law shall be obtained from the office of the Secretary-Treasurer of the Town of Emerson upon payment of the fee provided in Schedule "A" hereto for the business for which the licence is sought.
7. A licence issued under this by-law shall expire on the 31st day of December, in the year in which it is issued and shall have clearly written or printed on its face the licence year or portion thereof for which it is issued and the date of issue.
8. All persons resident within the limits of the Town of Emerson and not paying business tax or occupying business premises, who sell or offer for sale by samples or otherwise goods, merchandise or services directly to the consumer or solicit orders from the consumer for goods, merchandise or services, shall obtain a licence as provided herein and shall pay the licence fee prescribed in Schedule "A" hereto for the business for which the licence is sought.
9. Any person who contravenes, disobeys, omits, refuses or neglects to comply with any provision of this by-law is guilty of an offence and is liable, on summary conviction, to a fine of not more than \$50.00 and court costs and in default of payment thereof such fine and costs may be recovered by distress and sale of the offender's goods and chattels, and in default of sufficient distress to satisfy such penalty and costs the offender shall be liable to imprisonment for a period not exceeding 21 days, unless the said penalty and costs are sooner paid.
10. All other by-laws and enactments of the Town of Emerson enforced at the date of the passing hereof, in any way contradicting, limiting or restricting the force and effect of this by-law are hereby repealed.
11. This by-law shall have force and effect as of the date it is passed.

PASSED AND ENACTED by the Town of Emerson, in Council duly assembled, this 14th day of June, 1994.


Peter Kozak, Sec.- Treas.


Wayne Arseny, Mayor